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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,284	06/15/2000	Yoji Kawamoto	09792909-4882	9179

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EXAMINER

CHRISTENSEN, SCOTT B

ART UNIT	PAPER NUMBER
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2444

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10/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/594,284	Applicant(s) KAWAMOTO ET AL.	
	Examiner Scott Christensen	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 18, 21, 23, 25 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 18, 21, 23, 25 and 27-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/20/2009; 9/21/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 7/9/2009.

Information Disclosure Statement

2. The information disclosure statement filed 3/20/2009 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. This specifically pertains to the Japanese Office Action issued on July 9, 2009, where no English translation appears to be in the file, and no concise explanation appears to be present.

Response to Arguments

3. Applicant's arguments filed 7/9/2009 have been fully considered but they are not persuasive.
4. Applicant's sole argument presented on pages 18-20 of Applicant's remarks appears to pertain to the language such as that presented in claim 13, "a storage unit detachably connected," and more specifically to the term "detachably."

In order to properly address this argument, the broadest reasonable interpretation of the phrase should be determined. The term "detachably" appears to mean that the storage unit is able to be detached, which simply means that to meet the

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instant language, the storage unit must be able to be disconnected in some manner from the terminal unit. As for the "connected" portion of the language, a component can be said to be disconnected when the component cannot communicate with another component, which would mean that either the component is physically detached with no wireless interface, or the component is otherwise unable to communicate, which would include, for example, when the component is disabled.

Accordingly, the phrase "a storage unit detachably connected to a terminal unit" appears to mean that the storage unit is somehow capable of having the connection disabled (thus "detaching" the connection).

Thus, many storage unit, especially those from the utilized in the standard Intel computer system, such as in Dedrick (Dedrick: Column 4, line 66 to Column 5, line 20) would be detachable, as the storage unit is capable of being removed from the computer system, even if tools are required. If Applicant regards the detachable connection to be an inventive feature, Applicant should amend the instant claim to clearly reflect what Applicant regards as the invention.

It is further noted that Dedrick teaches that a "removable nonvolatile storage device, such as a PCMCIA Flash memory card" may be utilized to store the profile (Dedrick: Column 6, lines 4-17).

Accordingly, after careful consideration, the rejection of the instant claims has been maintained.

Claim Rejections - 35 USC § 103

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5. Claims 13, 14, 18, 21, 23, 25, 27, 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Dedrick (U.S. Pat. No. 5,717,923) in view of Lee et al. (U.S. Pat. No. 6,751,459), hereinafter referred to as Lee.

6. Regarding claim 13, Dedrick discloses a user information processing system comprising:

a terminal unit which accumulates terminal use record information and generates original profile information of a user (Dedrick: Column 5, lines 20-40 and Column 5, lines 50-60. The session manager has to know the identity of the terminal (IP source address) in order to setup a session between the terminal and server);

a profile analysis server accessible by said terminal unit comprising (Dedrick: Column 9, lines 25-35)

a data bus (Dedrick: Column 4, line 66 to Column 5, line 20. Dedrick utilizes a computer, such as a standard Intel based computer system, which utilizes a bus, processor, and memory.),

a central processing unit connected to said data bus and which controls the profile analysis server (Dedrick: Column 4, line 66 to Column 5, line 20.

Dedrick utilizes a computer, such as a standard Intel based computer system, which utilizes a bus, processor, and memory.),

a memory connected to said data bus, the memory storing programs used by said central processing unit to control the profile analysis server (Dedrick: Column 4, line 66 to Column 5, line 20. Dedrick utilizes a computer, such as a

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standard Intel based computer system, which utilizes a bus, processor, and memory.),

a communication interface connected to said data bus and which connects the profile analysis server to said terminal unit (Dedrick: Column 3, lines 14-36.

The systems are connected to a network, and thus include a communication interface.), and

a profile analysis processing part connected to said data bus, the profile analysis processing part receiving said use record information and producing said original profile information based on said use record information (Dedrick: Column 4, line 66 to Column 5, line 20.); and

a storage unit detachably connected to said terminal unit which stores said original profile information generated by said profile analysis processing part of the profile analysis server such that when the terminal unit is used, the terminal unit unit accesses the original profile information from the storage unit to obtain information peculiar to the particular user using the terminal unit (Dedrick: Column 9, lines 25-35),

wherein,

at least one of said terminal use record information and said original profile information includes identifying information about said terminal unit (Dedrick: Abstract. The profile information at least includes information identifying the user of the terminal system, which is identifying information about the used terminal system. Applicant should amend the instant claim to clearly reflect how the information is “about” each terminal unit.), and

said profile analysis processing part of the profile analysis server generates new profile information based on said original profile information and said accumulated terminal use record information (Dedrick: Column 4, line 66 to Column 5, line 20).

However, Dedrick does not explicitly disclose that the original profile information is generated based on terminal use information or that the age unit includes user schedule data.

However, Dedrick teaches about the possibility of using different client systems (Dedrick: Column 3, lines 1-10) in which each transaction is stored for billing purpose.

Further, Dedrick teaches that the server maintains a calendar database that is utilized to allow the user to view and schedule a time utilizing the server's scheduling process (Dedrick: Column 14, lines 33-42).

Accordingly, it would have been obvious to have the storing means include user schedule data, as the user would be able to locally store information concerning a time scheduled for a user and/or information concerning other appointments that would possibly conflict with the scheduled time. It is noted that the instant claim does not include any functionality associated with the schedule data with regards to the system as a whole. As such, if the storage unit stores any schedule information, even if it is not utilized in the system, as a whole, the claim limitation is still met.

Further, Lee teaches about the potential for the internet and the problem caused when one user is allowed to access more than one terminal (Lee: Column 1, line 60-

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Col 2, line 20). Lee teaches a solution for this problem through the use of terminal use information (Lee: Column 2, line 60 to Column 3, line 15).

Accordingly, it would have been obvious at the time of the invention for one of ordinary skill to improve on the billing process of Dedrick by using the system taught by Lee.

The suggestion/motivation for doing so would have been to provide the means for better transaction recording in a growing complex technology like the internet.

7. Regarding claim 14, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

8. Regarding claim 18, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

9. Regarding claim 21, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

10. Regarding claim 23, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

11. Regarding claim 25, Dedrick as modified by Lee, teaches a selecting unit which selects information supplied to the user based on the profile information stored in said

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storage unit (Dedrick: Column 6, line 65- Column 7, line 10 and Dedrick Column 7, lines 55-65).

12. Regarding claim 27, the instant claim includes subject matter that is substantially similar to that claimed in claim 13, and is rejected for substantially similar reasons.

13. Regarding claim 38, the prior art of record teaches the method and system wherein the apparatus is configured for providing information to a plurality of terminal units remote from the apparatus (see Dedrick, column 5, line 20 through column 6, line 3).

14. Regarding claim 34, Dedrick as modified by Lee teaches a plurality of terminal units being configured to accumulate terminal use record information and user profile information on a detachably connected storage unit upon use of one of the plurality of terminal units (Dedrick: Column 5, line 20 to Column 6, line 3. It is noted that the instant claim does not require any relationship between each of the plurality of terminal units.).

15. Regarding claim 35, Dedrick as modified by lee teaches that at least one of said terminal units uses record information and said profile information includes identifying information about each terminal unit of the plurality of terminal units used by the user (Dedrick: Abstract. The profile information at least includes information identifying the user of the terminal system, which is identifying information about the used terminal

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system. Applicant should amend the instant claim to clearly reflect how the information is “about” each terminal unit.) and said storage unit detachably connects to each terminal unit of said plurality of terminal units and stores said new profile information such that when any particular terminal unit of the plurality of terminal units is used, the particular terminal unit accesses the new profile information from the storage unit unit to obtain information peculiar to the user (see the rejection of claim 13).

16. Regarding claims 36-41, the instant claims are substantially similar to subject matter claimed in claims 34 and 35, and are rejected for substantially similar reasons.

17. Regarding claim 42, Dedrick disclosed wherein the profile analysis processing part receiving said use record information and producing said original profile information based on said use record information includes specific information relating to user preference (Dedrick: Column 5, lines 50-59).

Claim Rejections - 35 USC § 103

18. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,717,923), in view of Lee et al. (U.S. Pat. No. 6,751,459), hereinafter referred to as Lee, in further view of what was well known at the time of invention.

19. Dedrick disclosed the method and system substantially as detailed above, with the intention of monitoring and tracking a user’s activity on a network (see column 5,

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lines 34-49). The system was concerned with storing personal data for each user (see column 5, lines 50-59). Similarly, Lee disclosed monitoring a user's activity pattern, including the location of the user, and storing such information in a user profile (see column 18, lines 6-41).

While the prior art discloses various types of data used for tracking a user, the prior art references do not specifically teach using GPS data as claimed.

Examiner takes Official Notice (see MPEP § 2144.03) that the use of GPS data in a computer networking environment was well known in the art at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Dedrick and Lee to provide a system for monitoring and storing information about a user's activity, the information including GPS data as claimed. Both Dedrick and Lee were concerned with providing information on a user's activity patterns, and as in Lee, specifically the location of a user. It was well known at the time of invention that GPS data could be used to track the location of a user. Accordingly, one of ordinary skill in the art would have been motivated to consider incorporating the use of GPS data in the prior art combination in order to improve the tracking system suggested and provided a more accurate and detailed set of information about a user.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444